

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, July 21, 2015

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on June 21 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:29:24 AM.

2. Roll Call

Roll Call.

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Commissioner Draper.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary,

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

6. Approval of Minutes

- a. June 23, 2015 - Regular Commission Meeting
- b. July 13, 2015 - Special Commission Meeting

Motion: Approve the minutes of the June 23, 2015 Regular Meeting and the July 13, 2015 Special Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending June 30, 2015
- c. Road Name Change Request

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.
Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT A: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

9. Creative Aging Committee of ENMU Presentation by Clara Farah-Request for Endorsement

Clara Farah, PhD, Instructor at ENMU Ruidoso discussed the Creative Aging Advisory Committee (CAAC) as an outgrowth of a Creative Aging Course taught at Eastern New Mexico University. Dr. Farah discussed a recent survey of County residents conducted by the group to better understand the needs of the over 50 age group in the County.

Dr. Farah stated various agencies suggested the CAAC diversify and develop a process to foster communication between elected officials and citizenry. Dr. Farah stated she was seeking an endorsement from the County Commission and also the municipalities for CAAC to serve as an advisory council on the status and needs of the over 50 population.

Renee Montes, Senior Services Director expressed support for the program as an advocate for Senior Services. Ms. Montes reminded the County had an established Senior Services Advisory Council with membership composed of those receiving services through the County Senior Centers. Ms. Montes stated the CAAC might assist in the identification of seniors needing services and in providing public education about the many services available.

Chair Stone stated no objection to the endorsement as long as the purpose of the CAAC was not to "micro manage" the County's Senior Citizen's Director or programs.

Dr. Farah stated she conferred with Ms. Montes and they were in agreement as to the purpose of the CAAC.

Motion: Recognize the Creative Aging Advisory Committee, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous call vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

10. Per Head Tax Update and Discussion

Pete Gnatowski and Jim Cooper, acting members of the Predator Control Board presented documentation related to the enactment of the per head tax as established and administered under NMSA 77-15-7 through 77-15-13.

Mr. Cooper reminded the Predator Control Board met every five years to consider the implementation of the per head tax on livestock in Lincoln County. Mr. Cooper stated this year the Predator Control Board submitted a request by ballot to livestock owners for an increase in the per head tax from \$.50 to \$.75 cents. Mr. Cooper informed greater than 51% of ballots submitted to livestock owners in the County were returned approving the imposition of the tax increase as required by State Statute.

Mr. Cooper requested the Board of County Commissioners ratify the tax increase approved by the majority of livestock owners.

Motion: Approve the imposition of a \$.75 per head livestock tax, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

11. Forest, Land & Natural Resources Matters:

a. Cibola National Forest

Ms. Taylor reported Elaine Kohrman, Cibola District Ranger informed she was unable to sign the Memorandum of Understanding (MOU) as amended by the Board of Commissioners. Ms. Taylor stated District Ranger Kohrman expressed appreciation for the interest and extended an invitation to participate as a cooperating agency at any time. Ms. Taylor provided copies of status updates

on the Cibola Forest Plan Revision, a list of forty entities currently participating as a cooperating agency, as well as a list of public meeting dates.

Commissioner Draper suggested participation was important notwithstanding the County's objection to particular language contained in the MOU.

Chair Stone concurred with Commissioner Draper on the importance of Lincoln County participating in the Cibola Forest Plan Revision process.

Alan Morel, County Attorney suggested it was appropriate to revisit the issue and consider approval of the MOU without the prior approved revisions.

Motion: Approve the Memorandum of Understanding with the Cibola National Forest without revision, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

b. Smokey Bear Ranger District

Larry Cordova, District Wildlife Biologist currently serving as Acting District Ranger informed Ranger David Warnack would return to his position as the District Ranger on July 27, 2015.

Acting Ranger Cordova reported feral hog eradication measures by helicopter were planned for the Loma Grande and Nogal Canyon areas during the week. Acting Ranger Cordova stated 125 acres of prescribed burns were recently completed and additional burns were planned for the week. Acting Ranger Cordova reported the US Forest Service and BLM were working together to rebuild a fence between the two agency land holdings in the Devil's Canyon area. Acting Ranger Cordova commented on the 21st Annual Youth Fishing Day planned for August 22, 2015 at Alto Lake.

Commissioner Draper questioned if Acting Ranger Cordova was aware of any discussions regarding land transfers between the Mescalero Apache Tribe, BLM, and the US Forest Service. Acting Ranger Cordova stated other than some discussion months ago he was unaware of any other action to this matter.

Chair Stone questioned the status of public meetings to provide input for the revision of the Lincoln Forest Plan. Acting Ranger Cordova assured Chair Stone the initial meetings were part of the assessment phase in conjunction with other data gathering efforts. Acting Ranger Cordova offered to set an additional meeting in Carrizozo and also noted other meetings were planned prior to the end of this year. Chair Stone emphasized the importance of the need for input throughout the revision plan and during all stages.

Chair Stone questioned if the Regional Forester had completed a revision of US Forest Service policies regarding weed control spraying. Acting Ranger Cordova commented on the significant increase of noxious weeds as a result of recent rainfall. Acting Ranger Cordova stated the USFS Environmental Assessment for the use of herbicides was approximately 20 years old and as a result the Forest Supervisor's Office suspended herbicide use until a new Environmental Assessment was adopted. Acting Ranger Cordova discussed the impact of this process on the spread of noxious weeds.

Chair Stone expressed disappointment the US Forest Service did not recognize and plan for the additional moisture this year. Chair Stone commented on the loss of progress made during the last ten years due to lack of action by the Forest Service this year.

Chair Stone expressed multiple concerns about the planned fencing by the Ranger District of the spring at Seven Cabins. Chair Stone expressed belief this was a "patented spring" and expressed belief the fencing would set a bad precedent for the future.

Acting Ranger Cordova explained the fencing project was under his direction as a project of the Habitat Stamp Program. Acting Ranger Cordova explained the fence would not keep cattle from obtaining water as there was a drip tank installed outside of the fenced area.

Chair Stone requested a meeting with Ranger David Warnack to discuss this project.

c. Community Forester

Rick Merrick, Community Forester reported on participation with other agencies on prescribed burns. Mr. Merrick stated 99% of the Lincoln County cost share funding for thinning was committed and approximately 50% of the funding was disbursed.

Mr. Merrick reported the Eastern New Mexico University – Ruidoso Speaker Series was ongoing with an update on Bonito Lake, Grindstone Lake, and Alto Lake projects set for August 4, 2015.

Mr. Merrick stated the Little Bear Fire Coalition received a PNM Power Up Grant in the amount of \$13,500 to purchase and install an additional community messaging sign. Mr. Merrick discussed plans to install the sign on Highway 70 in Ruidoso to provide forest health, watershed protection and wildfire protection messages to residents and tourists.

d. Office of State Engineer-Water Issues

Ms. Taylor reported there were no new postings for water right transfers on the State Engineer's website this month. Ms. Taylor stated there was no action to report on pending lawsuits to oppose the temporary transfers from the Hondo Valley to the Village of Ruidoso. Ms. Taylor stated the County's attorney, Kelly Cassels, suggested his clients schedule an appointment to discuss the situation with the new State Engineer.

12. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Jack and Rima Davis of 102 Vail Loop requested the County work to resolve a drainage issue which results in a large water runoff across their property during heavy rains from roads in Little Creek Estates. Mr. and Mrs. Davis asserted this runoff caused both emotional harm and thousands of dollars in property damage. Mr. Davis stated they had resided on the property for more than 20 years, the property was not located in a flood zone, and expressed belief the runoff was due to placement of a culvert on the County road.

Barbara Yates of 101 Pine Knot stated she had a similar issue with culvert drainage causing damage to her private property. Ms. Yates stated the County Manager, Road Superintendent and other County staff had reviewed the site. Ms. Yates she was informed the County could not redirect the water from her property as it would flood other private property. Ms. Yates stated the County Manager informed her the County would not conduct a previously discussed cost analysis by an engineer. Ms. Yates requested the Board of Commissioners consider her suggestion for placement of a culvert to divert the water.

Jesse Pape, Chair of the Bonito Park Nazarene Campground Leaseholders presented a request on behalf of the leaseholders for an exemption from individual billing for Solid Waste Services. Mr. Pape reminded these individuals were not property owners but they leased the land their homes were built on from the Nazarene Church. Mr. Pape presented a copy of the lease agreement and asserted the cost of solid waste disposal via a commercial dumpster was incorporated in the lease agreement. Ms. Taylor stated she and the County Attorney would review the lease agreement and discuss the issue.

8. USGS Update & Presentation - " Summary of U.S. Geological Survey NM Water Science Center's Final Report: Water Resources During Drought Conditions and Post-Fire Water Quality in the Upper Rio Hondo Basin"

Lauren Sherson and Matt Ely of the USGS presented an overview of the final Scientific Investigations Report 2014-5153 titled *Hydrology, Water Resources, and Water Budget of the Upper Rio Hondo Basin, Lincoln County, New Mexico, 2010*; and Scientific Investigations Report 2015-5086 titled *Water Resources During Drought Conditions and Postfire Water Quality in the Upper Rio Hondo Basin, Lincoln County, New Mexico, 2010-13*.

Ms. Sherson discussed the various phases of data collection undertaken over the years for the purpose of defining the hydrogeology, water resources and the water budget for the Upper Rio Hondo Basin. Ms. Sherson reminded the second report was developed to analyze water resources during drought conditions and post fire water quality within the Upper Rio Hondo Basin after the Little Bear Fire.

Ms. Sherson presented a brief overview of the data collection process, the development of findings, and the publication of final reports. Ms. Sherson provided printed copies of both reports and also a website link for public access to these reports.

Commissioner Stewart questioned if there were conclusions from the study which deserved particular consideration by the Lincoln County Board of Commissioners.

Ms. Sherson stressed the importance of monitoring snow pack levels to understand water availability and discussed the impact of winter snow versus rain recharge.

There was a general discussion regarding the data and conclusions. Ms. Sherson and Mr. Ely reminded it was the mission of the USGS to assimilate data for study rather than to provide suggestions for policy decisions.

Commissioner Willard questioned if an increase in water flow was documented after the Little Bear Fire. Ms. Shearson stated the USGS was unable to track this particular data due to a lack of appropriately positioned pre and post fire stream flow gauges.

Mr. Ely stated the USGS planned to expend some funding to model both pre and post fire processes and model the impact to water and stream flow.

Jackie Powell, former Chair of the Lincoln County Commission suggested there was a missing component to the reports which referenced "perennial" streams. Ms. Powell opined this terminology was inappropriate for mountains areas where streams were "torrential" or "no snow, no flow". Ms. Powell requested modification of the report to reflect the lack of perennial flow and to include information regarding the danger of depending on "average" flows for planning purposes. Ms. Powell stated for example the utilization of averages by the State Engineer to justify approval or denial of water rights transfers was a flawed process because of the irregularity of torrential flow and the lack of an average flow every year. Ms. Powell suggested it was inappropriate to base approval of water right transfers on "average" perennial flow data.

Commissioner Stewart discussed the viability of utilizing data such as annual snow pack totals for the Board of County Commissioners to issue non-regulatory notices or advisories about declining water resources.

Matt Ely reiterated the role of the USGS as a provider of scientific data but not to determine how to utilize the information. Mr. Ely commented that one good monsoon season would not alleviate drought conditions and snow pack accumulation was the critical element to monitor. Mr. Ely suggested examination of long term drought trends and climate variability for planning purposes.

Commissioner Stewart suggested forwarding the reports along with a cover letter to the State Engineer and to the New Mexico Institute of Mining and Technology requesting these agencies review the reports and provide guidance on regulatory measures.

Chair Powell questioned if the USGS might modify the reports or provide a statement supporting her assertion that stream flow was not "perennial" but rather "torrential". Ms. Powell suggested since Lincoln County contracted with USGS to perform the studies, the County could add an acknowledgement page to the report to identify the problems associated with the utilization of average flows in decision making.

After discussion, there was a general consensus for the County to prepare a letter of clarification regarding the definition of stream flow as "torrential" rather than "perennial" and to object to any approval of water transfers based on "average" flows.

The Manager was directed to forward the letter along with copies of the two reports to the State Engineer in support of objections to water rights transfers. The County Clerk was directed to include the copies of the letter and reports as part of the official record.

SEE EXHIBIT B: Copies of USGS Scientific Investigations Reports 2014-5153 and 2015-5086 along with the Letter of Clarification are attached hereto in reference thereto made a part hereof.

13. Appeals for the Lincoln Historic Preservation Board: Findings of Fact and Conclusions of Law for Approval

Alan Morel, County Attorney reminded two separate public hearings were held to hear appeals of Lincoln Historic Preservation Board Decisions during the Regular Meeting of June 23, 2015. Attorney Morel stated all documents presented for the record during these hearings were incorporated into the Findings of Fact and Conclusions of Law.

a. Dickinson/Dockery Appeal

Attorney Morel read the Decision of the Board of County Commissioners and requested approval of the Findings of Fact and Conclusions of Law in the matter of the appeal of Cille Dickinson and Sarah Dockery d/b/a Dickinson Gallery and Northside Pizza of the Lincoln Historic Preservation

Board's denial of application for variance. Attorney Morel noted the approval would initiate a thirty day appeal process for the parties involved.

Motion: Approve the Findings of Fact and Conclusions of Law for the Dickinson and Dockery Appeal as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT C: Copies of the Findings of Fact and Conclusions of Law for the Dickinson and Dockery Appeal are attached hereto in reference thereto made a part hereof.

b. Randy and Ronda Dougherty Appeal

Attorney Morel read the Decision of the Board of County Commissioners and requested approval of the Findings of Fact and Conclusions of Law in the matter of the appeal of Randy and Ronda Dougherty to the Lincoln County Historic Preservation Board's denial of application to fly an "Open" flag. Attorney Morel noted approval would initiate a thirty day appeal process for the parties involved.

Motion: Approve the Findings of Fact and Conclusions of Law for the Randy and Ronda Dougherty Appeal with correction of minor typographical error, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT D: Copies of the Findings of Fact and Conclusions of Law for the Randy and Ronda Dougherty Appeal are attached hereto in reference thereto made a part hereof.

14. Lincoln Hills Subdivision: Commission to Consider subdivision owner's amending the Development Agreement deleting a portion of Gene Littler Lane from the north side of Antler to Paso Monte Loop

Ms. Taylor informed the applicants requested the item be considered at a later date pending additional information.

15. Approval of PNM Easement to the hospital for new MRI Machine

Curt Temple, Planning Director presented a request from Lincoln County Medical Center (LCMC) for approval of an easement through County owned property for placement of an electrical power line by the Public Service Company of NM (PNM). Mr. Temple informed the purpose of the new power line was to facilitate placement of new MRI equipment at LCMC. Mr. Temple presented an easement agreement with a survey exhibit defining the location of the easement.

Motion: Approve the Easement Agreement with PNM, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

16. Approval of SNMEDD Agreement and Resolution 2015-4

Ms. Taylor informed the Southeastern New Mexico Economic District (SNMEDD) submitted the agreement as required by the NM Department of Finance and Administration for disbursement of local funds. Ms. Taylor stated Resolution 2015-4 served to acknowledge the County's desire to remain an active member of SNMEDD and to ratify the agreement.

Motion: Approve the Agreement between SNMEDD and the County of Lincoln; and Adopt Resolution 2015-4, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT E: Copy of Resolution 2015-4 is attached hereto in reference thereto made a part hereof.

17. Approval or Disapproval of Safety Net Care Pool & Indigent Health Care Claims

Scott Annala, Indigent Health Care Administrator presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 20 claims with 17 recommended for approval and 3 recommended for disapproval for a monthly authorization of \$15,454.27. Mr. Annala reminded the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 was \$254,747 with a monthly average of \$21,229.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 6 claims with 5 claims recommended for approval and 1 for disapproval for a total payment this month of \$6,198.19. Mr. Annala stated based on this month's expenditures he projected a total expenditure for IHC claims for Fiscal Year 2015-2016 of \$74,378. Mr. Annala reminded the total expenditure for Indigent Health Care Payments for Fiscal Year 2014- 2015 was \$63,642.16 of a budgeted \$393,278.

Motion: Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT F: Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

18. ICIP Discussion

Ms. Taylor presented the revised ICIP list to include the addition of the Renovation of LCMC project as requested during the Regular Meeting of June 23, 2015:

1. New Hondo Fire Station
2. Expand White Oaks Fire Station
3. Expand Lincoln County Detention Center
4. Renovations New Horizons Facility
5. ADA Upgrades to Senior Centers
6. ADA Upgrades to Courthouse parking lots (handicapped)
7. Sidewalk in front of Courthouse
8. Heating/Cooling Unit for Ruidoso Public Health Office
9. Sheriff's Department vehicles
10. Road Department vehicles and equipment
11. Fleet Management software
12. Renovation of Lincoln County Medical Center

Ms. Taylor stated total cost estimates were still being identified and requested guidance as to what amount of capital outlay the Board of Commissioners wished to request for the renovation of LCMC.

Commissioner Stewart suggested including the full cost of renovation in the ICIP along with information about other possible revenue sources for the project.

Commissioner Draper suggested consulting with Hubert Quintana for guidance on referencing the renovation project on the ICIP list.

There was a general discussion regarding prioritization of projects. Commissioner Stewart suggested assignment of a projected year of completion for each project as well as the anticipated costs.

Ms. Taylor discussed the need for a financial commitment from the County to partially fund projects defined on the ICIP for any particular year. Ms. Taylor stated she would present the ICIP list for final approval during the August Regular Meeting.

19. Manager's Report

1. **Newly appointed District Judge for the 12th Judicial District**, Dan Bryant, will commence his new appointment in late August. Mr. Bryant has already voiced a strong desire to work closely with the County, the Detention Center, and the Sheriff, as well as the District Attorney, the Public Defender and all participants impacted by the judicial process.
2. **Multi-Jurisdictional Effort for Mitigation Planning.** The Village of Ruidoso invited the Lincoln County to participate in its Multi-Jurisdictional Mitigation Plan. Other participants include the City of Ruidoso Downs, Capitan, Carrizozo and Corona. All potential participants are meeting with the NMDHS&EM on July 27, 2015.
3. **Fort Stanton Veteran's Cemetery.** Fort Stanton is one of the four cemetery sites submitted by the State of New Mexico and approved for construction under the Veteran Affairs Cemetery Grant Program. The Manager reported engineering and design work had progressed and a mandatory pre-bid meeting was scheduled for July 30, 2015 at Fort Stanton. The Manager reported all Commissioners would receive a personal invitation to this event and provided a copy of the associated agenda. The Manager stated based on the projected construction schedule the project was scheduled for completion in late 2016. The Manager reminded the Fort Stanton Veteran Cemetery also received a legislative allocation of \$500,000 for construction of an access road.
4. **Southeast Regional Transportation Planning Organization (SERTPO)**, working in conjunction with NM Department of Transportation, developed its Regional Transportation Plan (RTP), which will serve as the framework for future decision-making. The Manager stated this plan was currently under review for public comment until July 31, 2015. The Manager stated the RTP was organized by five goals that lead to a vision for the future of transportation in the state: 1) Operate with Transparency and Accountability; 2) Improve Safety and Public Health for All System Users; 3) Preserve and Maintain Our Transportation Assets for the Long Term; 4) Provide Multimodal Access and Connectivity for Community Prosperity and Health; and 5) Respect New Mexico's Cultures, Environment, History and Quality of Life. The Manager stated consideration of the RTP was set for the SERTPO Agenda on August 26, 2015 with Lincoln County represented by Commissioner Dallas Draper and Road Superintendent Carl Palmer.
5. **RFP for Solid Waste Collection.** The Manager reported Charles Fiedler continued work on the Request for Proposals (RFP) for solid waste collection including development of the initial Scope of Work and Cost Response Attachment. The Manager stated Mr. Fiedler anticipated presenting drafts of other components of the RFP for review in the near future.
6. **Building Project Updates**
 - *Public Officials Building / Sheriff's Complex.* The Manager stated final work was scheduled for installation of the remaining HVAC units and final inspections would follow completion of installations.
 - *Annex Building.* The District Attorney's Office moved into the first floor of the Annex, with minor additional problems identified and resolved. The Manager stated the final move of remaining furniture and records was set for this week. The Manager stated plans to move the Finance Department to the second floor were in process.
 - *Carrizozo Senior Center.* The Manager noted the Commission would take action to award the construction bid during today's meeting and reminded the contractor must ensure all sub-contractors were registered in federal SAM data base.
 - *Hondo Fire Station.* Efforts will commence to select an architect to formally design the station and obtain construction cost estimates. The Manager reminded the County received a \$25,000 legislative capital outlay award last year as well as an additional award of \$210,000 this year.
 - *New Horizons.* County Commission approved funds and the Legislative Capital award totaled \$110,000 for improvements. The Manager stated the County Chief Purchasing Agent was working with the New Horizons Executive Director to obtain required bids.
7. **Building Maintenance.** The Manager stated construction and repair were nearly complete in the County Complex but several key issues were identified to ensure maintenance of building quality:
 - All drainages must be cleaned out to prevent water backing up on the new roof which causes additional leaking;
 - The tree in the courtyard causes considerable clogging of all rooftop drainages and the Manager proposed removal of the tree.
8. **Additional calendar items:**

- Bonito Park Nazarene Camp and Conference Center invited the Board of County Commissioners to their Grand Opening and Service of Dedication on August 1, 2015.
- Old Lincoln Days – August 7, 8 and 9, 2015.
- Multi-Line Pool Board Meeting - August 19, 2015. The Manager serves as the County Board Member.

5. Departmental Updates:

- a. **Joe Kenmore, Director of the Office of Emergency Services** discussed the increase in rainfall and occurrence of minor lightening fires. Mr. Kenmore reported the City of Alamogordo was working to reopen drainage pipes at Bonito Lake to continue drainage of the water. Mr. Kenmore stated the Hondo Fire Station completed State required pump testing and was now eligible to apply for a State Fire Marshall's grant in the amount \$100,000.
- b. **Renee Montes, Senior Services Director** informed the total number of home meal deliveries exceeded the projected number for the last fiscal year. Ms. Montes also discussed the increased number of requests for transportation stating the majority of requests were for transportation to out of town medical services. Ms. Montes stated with only one district driver often site managers from other sites assisted in fulfilling transportation requests. Ms. Montes stated the cooperative effort to provide food bank distributions at the Ruidoso Downs Senior Center resulted in the distribution of approximately 100 senior food boxes.
- c. **Carl Palmer, Road Superintendent** discussed road damage associated with recent rains. Mr. Palmer stated also as a result of heavy rain many road culverts were plugged with pine needles and other debris. Mr. Palmer reported work on Gavilan Canyon Road was delayed due to rain.

Commissioner Stewart reported multiple complaints from residents regarding trees falling into County right of ways.

Mr. Palmer stated once notified the County Road Department removed trees when possible or worked with a private contractor to fall dangerous trees. Mr. Palmer discussed the difficulty of clearly identifying the true dimensions of these right of ways.

Commissioner Draper requested Mr. Palmer explore all opportunities to assist the homeowners who reported road drainage issues during public comment.

Mr. Palmer expressed a desire to assist these individuals but reminded the County Road Department was legally prohibited from performing work on private property.

- d. **Curt Temple, Planning Director** anticipated the Lincoln County Map book would be available this week for distribution to County departments, emergency management personnel and ambulances. Mr. Temple discussed the need to determine a cost for sale to the public and suggested \$80.00 per book. Mr. Temple stated the maps were printed on a durable laminate paper which was water and wear resistant.

Commissioner Willard suggested posting the maps online for public use.

Mr. Temple stated "pdf" versions of the maps were available and he would research the option of placing the maps on the County website.

- e. **Punkin Schlarb, Finance Director** reported the first round of this year's audit was complete. Ms. Schlarb noted there were a number of new requirements initiated by the State Auditor and expressed belief staff was able to meet all requests for additional documentation.
- f. **Billie Joe Guevara, Administrative Assistant/Human Resources** informed a presentation by the Public Employee Retirement Association (PERA) for employees and elected officials was scheduled for July 25, 2015 in the Commission chambers.

Chair Stone recessed the Regular Meeting at 12:07:20 PM and reconvened at 1:02:06 PM.

Chair stone recessed the Regular Meeting and convened the Public Hearing at 1:03:13 PM.

**22. 1:00 P.M.: Public Hearing to Consider the Approval of the Final Budget FY 15-16
Resolution 2015-3 Adopting the Final Budget FY 2015-2016**

Chair Stone recessed the Public Hearing and reconvened the Regular Meeting at 1:03:15 PM.

20. Road Issues

a. Rancho Ruidoso Valley Estates

Ms. Taylor informed representatives of Rancho Ruidoso Valley Estates requested the item be removed from the agenda.

b. Barbara Yates

Ms. Taylor noted Ms. Yates was absent from the meeting after having presented her road concerns during the public comment period.

Ms. Taylor stated Ms. Yates contacted Commissioner Stewart in February of 2015 regarding flooding problems on her property at 101 Pine Knot Trail. Ms. Yates asserted the source of the problem was a culvert located at 102 Pine Hill Trail. Ms. Taylor stated prior to contacting Commissioner Stewart Ms. Yates had discussed the situation with Carl Palmer, Road Superintendent and Curt Temple, Planning Director who determined all options to divert water from Ms. Yates' property would result in diverting water onto other private properties. Ms. Yates informed Mr. Palmer and Mr. Temple she had received a disclosure prior to purchase of the property about the potential for runoff during wet times.

Ms. Taylor stated during a follow up discussion Ms. Yates was again informed her proposed solution would result in the diversion of water onto other private property which was prohibited by law. Ms. Taylor stated the County offered to provide wattles to reduce the flow of water across her property but Ms. Yates rejected this option.

Ms. Taylor stated Ms. Yates subsequently requested an agenda item for this July Regular Meeting to discuss the problem. Ms. Taylor stated a subsequent review by Mr. Palmer, consultant Justin King of King Industries, and herself again resulted in the same findings that Ms. Yates proposed solution would result in diversion of water to other private property. Ms. Taylor stated she declined to pursue a cost analysis for diversion based on the understanding the County could not divert water to other private property and also the fact the County was prohibited from performing work on private property.

Attorney Morel stated the general rule of law was that water could not be diverted from one property to another. Attorney Morel informed further discussion was appropriate for Executive Session.

21. Approval of Resolutions:

a. Resolution 2015-1 Adjusting Line Items for FY 2014-2015

Ms. Schlarb detailed the list of internal budget line item transfers and adjustments as defined by the Resolution.

Motion: Adopt Resolution 2015-1, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT G: Copy of Resolution 2015-1 is attached hereto in reference thereto made a part hereof.

b. Resolution 2015-2 Closing the FY 2014-2015 Budget

Ms. Schlarb detailed the list of increased revenues received and transfers between funds as approved by the Board of County Commissioners during Fiscal Year 2014-2015 as defined by the Resolution.

Motion: Adopt Resolution 2015-2, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT H: Copy of Resolution 2015-2 is attached hereto in reference thereto made a part hereof.

Chair Stone recessed the Regular Meeting and reconvened the Public Hearing at 1:13:29 PM.

22. 1:00 P.M.: Public Hearing to Consider the Approval of the Final Budget FY 15-16 Resolution 2015-3 Adopting the Final Budget FY 2015-2016 (continued)

Ms. Taylor stated the Preliminary Budget as approved at the Regular Meeting of May 15, 2015 was received and subsequently approved by the NM Department of Finance on June 15, 2015.

Ms. Taylor provided copy of the Final Budget for Fiscal Year 2015-2016 and reviewed the principal changes from the Preliminary Budget.

Ms. Taylor noted the Treasurer's Cash Balance increased from the preliminary forecast of \$5,270,265 to \$8,095,647. Ms. Taylor stated the principal adjustments were due to receipt and payment of bills received after June 19, 2015, and accounting for actual funds budgeted for expenditure in the prior year which were not expended. Ms. Taylor noted final expenditures were adjusted from the preliminary budgeted in the amount of \$7,443,554 to \$7,435,755 for similar reasons.

Ms. Taylor noted the Final Adjusted Operating Transfer of funds were reduced from the preliminary budgeted amount of \$7,362,793 to \$5,685,175 as a result of a close review of projected expenditures and conservative budgeting processes. Ms. Taylor detailed the reductions in transfers from the general fund to various operational funds.

Ms. Taylor noted the legal requirement for a reserve of 3/12 of General Fund Expenditures or \$1,858,939 and stated the proposed Final Budget included reserves of \$5,453,907 over the required reserve.

Ms. Taylor requested the Board of Commissioners consider a review of external agency requests as currently budgeted and consider any changes.

There was general consensus to approve external agency requests as presented in the final budget.

Ms. Taylor requested the Board of Commissioners consider any previously unfunded or new requests.

Commissioner Stewart questioned if the increased amount awarded for Assessor certifications was funded from the General Fund or from the Assessor's Reappraisal Fund. Paul Baca, Assessor confirmed the additional cost was included in expenditures from the Assessor's Reappraisal Fund.

There was general consensus to approve internal departmental budget requests as presented in the final budget.

Ms. Taylor reminded during the preliminary budget process La Casa Buena Salud Clinic was budgeted to receive \$139,560 and the Presbyterian operated Corona Clinic, Carrizozo Clinic, and Capitan Clinics were budgeted to receive \$514,610 in mill levy funding. Ms. Taylor stated total clinic funding available for expenditure was \$654,710 with a remainder of \$540 after budgeted expenditures.

There was general consensus to approve clinic funding as presented in the final budget.

Ms. Taylor presented an analysis of LCMC's total funding request of \$2,337,000 which included a request for \$1,775,000 for operational costs. Ms. Taylor noted the request for operational funds increased \$525,000 over last year's request. Ms. Taylor reminded Al Santos, Administrator for LCMC stated the increased request was for "hospital based clinics" such as Family Medicine, Internal Medicine, General Surgery, Obstetrics and Gynecology, Physical Therapy, and the PMG Lab. Ms. Taylor noted this was the first request ever received from LCMC to fund these operational costs.

Ms. Taylor discussed the importance of a thorough analysis of estimated revenues for LCMC through the Safety Net Care Pool program and also through increased Medicaid base rates. Ms. Taylor noted LCMC did not provide the information prior to this meeting.

Ms. Taylor presented a summary of estimated hospital funding available through the Hospital Mill Levy and opined an approval of more than \$892,154 for operational costs would totally exhaust the fund for the Fiscal Year 2015-2016. Ms. Taylor stated any approval above this amount would necessitate the use of lease payment funding. Ms. Taylor reminded of LCMC's prior proposal to utilize the lease payment for debt service of the hospital renovation. Ms. Taylor stated the lease payment revenue was not currently budgeted for a specific purpose.

Commissioner Stewart commented on the beginning balance of the Indigent Health Care Fund as being \$793,323 and suggested utilization of these funds to offset the County's Safety Net Care Pool or State Medicaid obligations.

Punkin Schlarb, Finance Director suggested utilization of Indigent Health Care funding to alleviate the General Fund from costs associated with medical care for inmates

There was general discussion regarding the appropriate use of various revenue sources and whether the definition of services described by LCMC as "clinics" was appropriate.

Al Santos, LCMC Administrator informed LCMC would receive approximately \$2.4 million in Safety Net Care Pool funding to offset uncompensated care costs. Mr. Santos suggested the Board of County Commissioners consider increasing the mill levy imposition from 2.6 mills to the full voter approved 3.0 mills to meet the requested increase in operational funds and to avoid a reduction in services.

Ms. Taylor reminded while the Commission had directed all County departments to trim their budget requests, LCMC continued to increase their requests for funding each year and now proposed to expand their requests to include funding from additional sources.

Mr. Santos commented on LCMC's contribution to Lincoln County's economy as an employer and economic business participant. Mr. Santos stated LCMC could not continue to provide all current services if funding awarded was less than requested.

Commissioner Stewart expressed concern about the Indigent Health Care Fund balance as subject to State scrutiny. Commissioner Stewart suggested budgeting the County's Medicaid payment obligation from the Indigent Health Care Fund rather than the mill levy fund. Commissioner Stewart further suggested the Commission provide guidance to LCMC as to future funding sources available and limits. Commissioner Stewart did not advocate any increase to the mill levy.

Chair Stone adjourned the Public Hearing and reconvened the Regular Session at 2:02:17 PM.

Commissioner Stewart noted LCMC's total initial request was already included in the budget and if approved as budgeted, a cash balance in excess of \$3 million dollars would remain in the Mill Levy budget.

Ms. Schlarb informed the requested increase for Appraiser certification was budgeted at the highest level from the Assessor's Reappraisal Fund.

Ms. Taylor noted the projected costs for the Sheriff's communication system were significantly less than budgeted in the Preliminary Budget.

Motion: Approve the FY 2015-2015 Final Budget with a reduction in the Sheriff's Department budgeted Communication System Expense from \$400,000 to \$300,000 and budget Lincoln County's Medicaid payment obligation from the Indigent Health Care Fund, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Adopt Resolution 2015-03, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT I: Copy of Resolution 2015-03 is attached hereto in reference thereto made a part hereof.

23. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

No action taken.

24. Consideration of Appointments and Removals from Boards/Commissioners/Committees:

a. Road Task Force Steering Committee

Ms. Taylor stated she received a recommendation to re-establish the Road Task Force Committee created in 2006 to provide guidance to the Manager and Road Superintendent on prioritization of road projects as well as to assist in identifying various funding sources to assist with projects.

Commissioner Willard pointed out the minutes of the meeting to establish this Task Force described the membership as consisting of one commissioner, two citizens, the County Manager and the Road Superintendent.

Commissioner Stewart recalled as County Manager the outcome of the one Road Task Force meeting held was a plan for future road repair based on an average number of miles of CAP/COOP funding available. Commissioner Stewart suggested continuation of the past policy to not pave roads which were not currently paved; review current road paving needs; and prioritize resources for the near future. Mr. Stewart suggested this committee might not contribute to routine maintenance but could assist with long range planning.

Commissioner Draper stated he would attend the SERPO meeting in late August to obtain more information.

Motion: Table appointments to the Road Task Force Steering Committee, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

Vote: Motion passed (summary: Yes = 3, No = 2, Abstain = 0).
Yes: Chair Stone, Commissioner Stewart, Commissioner Draper.
No: Commissioner Allen, Commissioner Willard.

25. Approval of Invitation to Bid 14-15-004 Carrizozo Senior Center

Ms. Taylor detailed the nine bids received and opened on July 9, 2015 including base bids and a breakdown of the additional costs of Alternates 1 and 2. Ms. Taylor stated Roper Construction of Alto, New Mexico submitted the low bid as follows:

	Base Bid	Alternate 1	Alternate 2	Total Bid
Roper Construction	\$ 929,000.00	\$58,000.00	\$10,000.00	\$ 997,000.00

Ms. Taylor explained Alternate 1 was the additional cost of providing a three inch asphalt paving and striping and Alternate 2 was the additional cost of upgraded parking lot lighting.

Motion: Award Bid 14-15-004 base bid plus Alternate 2 \$939,000 to Roper Construction, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Commissioner Stewart noted \$940,000 was currently budgeted along with a project contingency of \$59,000.

Renee Montes, Senior Services Director stated the base bid included some paving for handicap parking but not full paving as is defined by Alternate 1. Ms. Montes suggested the additional lighting identified in Alternate 2 was beneficial but deferred any decision to the Board of Commissioners.

Vote: Motion carried by unanimous vote (summary: Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

26. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report = *

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-2007-01364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Stipulated Judgment was entered June 4, 2014 in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.
2. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction. County was served May 14, 2014. Mr. Paul Melendres has been retained by the County. Hearing on All Pending Motions took place Nov. 20 before Judge Ritter, who found Mr. Beauvais had a conflict of interest and was disqualified from representing GSWA. GSWA has retained Robert Doughty as new counsel Dec. 13, 2014. GSWA filed its Withdrawal of Plaintiff's Original and First Amended Verified Emergency Motion Seeking Further Relief on Plaintiff's Request for Preliminary Injunction Concerning Rate at which County Will Bill May 7, 2015. Lincoln County filed its Motion to Continue its Motion for Sanctions May 8, 2015 and the Order of Continuance was filed May 11, 2015.
3. *Greentree Solid Waste Authority v. Lincoln County, et al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept. 25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The case has been submitted to a panel of judges for decision and the County received Notice of Submission from the Court of Appeals Jan. 2, 2015. Mr. Beauvais' Attorney Charging Lien was filed April 29, 2015.
4. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et al.* and H-272 *et al.* (T) and H-50-1 into H-272 *et al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.
5. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor* D-1226-CV-2014-00188 Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.
6. **Edward Rider/Brennon Moorhead v. The Board of County Commissioners, Brack Rains, Matt Christian, Robert Shepperd* D 1226 CV 2015-00103 Complaint for Damages and Summons received June 15, 2015. Removed to Federal Court July 7, 2015.

Tort Claims Notices Received or Threatened

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

UNM Hospital-Prins, Chad – Tort Claim Notice received Feb. 26, 2015 in which UNM Hospital seeks reimbursement of expenses incurred while Lincoln County Detention Center inmate Prins was on furlough.

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John

Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Preston, DeAnna – Lincoln County Sheriff's Deputy – Threatened Litigation on April 22, 2015 through Attorney J. Robert Beauvais against the County of Lincoln in reference to Dep. Preston's Disciplinary Action Dispute.

Michael Barela and Jude Renney v. Brack Rains, Lincoln County Sheriff's Deputy, Lincoln County Sheriff Robert Shepperd, and the County of Lincoln – Tort Claim Notice received May 4, 2015 from Attorney Manuel Garcia/Hakanson Firm, alleging violation of defendants' 4th Amendment rights.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

***Rider, Edward and Moorhead, Brennon** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging Lincoln County Sheriffs' Deputies Rains and Christian destroyed personal property of claimants. See 2014 TCN alleging same.

***Rodriguez, Victor** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

***Turner, Bill** – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging exposure to unsanitary conditions at Lincoln County Detention Center.

2014

Ramos, Aaron – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges damages by not being granted detainee to detainee correspondence.

Millierden, Kenneth and Anita – Tort Claim Notice received May 9, 2014 from Attorney Victor F. Poulos alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at Lincoln County Detention Center on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in Lincoln County Detention Center without being advised of his charges.

Herbert, Crystal – Tort Claim Notice received June 23, 2014 from Attorney Matthew Coyte/Coyte Law alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 from Attorney Ryan Villa/Cooper Law Firm alleging false imprisonment, false arrest, deprivation of rights at Lincoln County Detention Center that arise with Immigration and Customs Enforcement charges.

Atwell, Stacey – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

McGarry, Sean – Tort Claim Notice received July 25, 2014 from Attorney S. Doug Jones Witt alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at Lincoln County Detention Center.

Lambert, David and Bonnie - Tort Claim Notice received Sept. 8, 2014 from Attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

Rider, Edward Allen and Moorhead, Brennon – Tort Claim Notice received Oct. 20,

2014 by Attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers destroyed items in a home.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

McMurray, Cody – Tort Claim Notice received Nov. 6, 2014 by Attorney W. Chris Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClammon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

Inmate Group – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Allen, Katherine Elizabeth – Notice of Tort Claim received Sept. 12, 2013 from Katherine Allen against Lincoln County Detention Center for alleged injuries sustained during transport.

Harrisburg Documents – Attempts to recover Lincoln County documents illegally taken from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

Action: Approve, Moved by Chair Stone, Seconded by Commissioner Draper.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 2:41:31 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 3:23:54 PM.

Commissioner Willard attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

27. Signing of Official Documents

28. Next meetings:


August 18, 2015 - Regular Commission Meeting

29. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 3:24:00 PM.

County of Lincoln
Board of County Commissioners


Preston Stone, Chair


Dallas Draper, Vice Chair

Elaine Allen
Elaine Allen, Member

Thomas F. Stewart
Thomas F Stewart, Member

F Lynn Willard
F Lynn Willard, Member

ATTEST:

Rhonda Burrows
Rhonda Burrows, County Clerk

August 18, 2015
Date Approved

